

### **REMARKS**

As a result of this amendment, claims 126, 127, and 129-134 are now pending in this application. The Action identified dependent claim 135, which stemmed from claims 126 and 128, as including allowable subject matter. In response, applicant has amended claim 126 to include the subject matter of claims 128 and 135. Therefore, applicant submits respectfully that claim 126 and its dependents are consistent with the scope of subject matter indicated to be allowable.

### **Information Disclosure Statement**

Applicant submitted a Supplemental Information Disclosure Statement and a 1449 Form on June 27, 2007. Applicant respectfully requests that initialed copies of the Form 1449 be returned to Applicant's Representatives to indicate that the cited references have been considered by the Examiner.

### **Reservation of Rights**

In the interest of clarity and brevity, applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted or implied factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based expressly or impliedly upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, applicant timely objects to such reliance on an express or implied Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent

application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04. Moreover, any claims canceled are canceled without disclaimer or prejudice of any scope of rights to which applicant is otherwise entitled.

### **CONCLUSION**

Applicant submits respectfully that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 349-9593 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date December 9, 2008

By 

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 9, 2008.

/ Jonathan Ferguson /

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